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12 BRAD GREENSPAN,
13 Plaintiff,
14 v.
15 IAC/INTERACTIVECORP, et al.,
16 Defendants.

17 Case No. 14-cv-04187-RMW

18 **ORDER RE MOTION TO SET ASIDE
19 JUDGMENT**

20 Dkt. No. 39

21 This case was dismissed with prejudice for failure to diligently prosecute on May 15, 2015.
22 Dkt. No. 29. Judgment was entered on the same day. Dkt. No. 30. On July 1, 2015, plaintiff
23 moved to set aside the judgment. Dkt. No. 39. On September 18, 2015, this court held a hearing on
24 plaintiff's motion. Dkt. No. 67. After the hearing, the court deferred ruling on plaintiff's motion,
25 indicating that the court would grant relief from judgment once plaintiff 1) obtained new class
26 counsel and 2) reimbursed defendants for costs and expenses incurred following entry of
27 judgment. Dkt. No. 66.

28 New counsel for plaintiff filed a notice of appearance on November 2, 2015. On November
10, 2015, the court issued an order setting reimbursement amount of \$20,000 for Google and
\$25,000 for IAC. Dkt. No. 83. In the order, the court instructed plaintiff to file a declaration
attesting that payment had been made within five days of making the payments. *Id.* The court

1 anticipated that payment would be made within a reasonable time. However, it has been over four
2 months, and no payment has been made.

3 Unless plaintiff makes the required payments by March 25, 2016, the court will conclude
4 that plaintiff does not intend to proceed with reimbursement and will no longer be willing to set
5 aside the judgment. If plaintiff does not make the required payments by March 25, 2016,
6 plaintiff's motion will be denied and the default judgment will stand.

7 **IT IS SO ORDERED.**

8 Dated: March 15, 2016

9 
10 Ronald M. Whyte
11 United States District Judge

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